

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROY A. DURHAM, JR., : Case No. 1:13-cv-226
Plaintiff, : Judge Timothy S. Black
vs. : Magistrate Judge Karen L. Litkovitz
: :
ROB JEFFREYS, *et al.*, :
Defendants. : :

**DECISION AND ENTRY: (1) ADOPTING THE
REPORT AND RECOMMENDATIONS OF THE
UNITED STATES MAGISTRATE JUDGE (Doc. 137);
(2) OVERRULING PLAINTIFF'S OBJECTIONS (Docs. 138, 139);
(3) DENYING PLAINTIFF'S SECOND MOTION
TO FILE A THIRD AMENDED COMPLAINT (Doc. 121); AND
(4) TERMINATING THIS CASE FROM THE DOCKET**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on March 14, 2017, submitted a Report and Recommendations. (Doc. 137). Objections to the Report and Recommendations were due by March 23, 2017. (Doc. 137 at 6; Fed. R. Civ. P. 72(b)). On April 10, 2017, and April 17, 2017, Plaintiff filed objections. ("Objections") (Docs. 138-139).¹

¹ Even if the Objections had been timely filed, they primarily restate arguments that were already addressed by the Magistrate Judge, namely, that Plaintiff has been denied access to the law library. The Court finds this argument to not be well-taken. As detailed in the Report and Recommendations, Plaintiff has had ample opportunity to pursue his claims and granting further leave to amend four years after this action was commenced would unduly prejudice Defendants.

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety and Plaintiff's Objections to the Report and Recommendations are overruled.

Accordingly:

1. The Report and Recommendations (Doc. 137) is **ADOPTED**;
2. Plaintiff's Objections (Docs. 138, 139) are **OVERRULED**;
3. Plaintiff's second motion for leave of court to file a third amended complaint (Doc. 121) is **DENIED**;² and
4. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 5/31/17

Timothy S. Black
Timothy S. Black
United States District Judge

² To the extent Plaintiff's motion requests an extension of time to file a supplemental brief in response to Defendant's motion for judgment on the pleadings (Doc. 121 at 1), this Court already granted Plaintiff such an extension and accepted his supplemental filings (Doc. 127).